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RHMFISS/CDR USEUCOM VAIHINGEN GE PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUEKDIA/DIA WASHDC PRIORITY
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RUEHVEN/USMISSION USOSCE PRIORITY 1231

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [KHUM](#) [AJ](#)
SUBJECT: PRESIDENTIAL LEGAL ADVISER ADVISES POLITICAL
SOLUTION FOR FOREIGN RADIO BROADCASTS RETURN

REF: BAKU 0007

Classified By: Charge d'Affaires Donald Lu, Reasons 1.4 (b and d).

11. (C) Summary: On January 8 the Charge and the British Charge met with Shahin Aliyev, head of the legal department of the Presidential Administration, regarding the closure of Radio Liberty, Voice of America, and the BBC. Aliyev in large part stuck to talking points we have heard previously: the stations are not completely banned and the decision was due to fear of programming from Iran. He stated that the earlier negotiations with Russia and with Turkey are precedents for a way forward, and that if an intergovernmental agreement with some element of reciprocity is found, then the issue would be resolved. He added that Russia and Iran would not allow an reciprocity. End Summary.

Intergovernmental greement the Legal Way Forward

12. (C) After Shahin Aliyev explained that he and his staff were largely focused on the referendum at the moment, the Charge raised the closure of the foreign radios, explaining that he and the British Ambassador had had a productive conversation with Ali Hasanov the day before (reftel). The Charge and the British Charge both explained the importance of the issue, and asked for Aliyev's opinion on a legal way forward. Aliyev explained that negotiations on an intergovernmental agreement were the only solution at this point. In response to the point that the earlier licenses given to the stations by the National Television and Radio Council (NTRC) seem to be in compliance with the law, Aliyev agreed, but said that the NTRC was not going to change its decision and renew the licenses at this point.

13. (C) The Charge expressed the importance of a speedy return of these radios to the airwaves. Aliyev replied that he is a lawyer, and "a lawyer is like a sword; it goes where it is ordered." Therefore he will participate in negotiations when he is ordered to, but cannot take initiative in this area. He explained that Ali Hasanov's Policy Department is the lead on this issue.

Precedent is the Problem

14. (C) Aliyev then explained that the NTRC took the decision it did because of the problem of precedent. The GOAJ is worried about Iranian influence, and therefore wanted to set

the precedent against foreign broadcasts. The decision was taken now, not several years ago, for a reason. However, the Iranian government would not allow Azerbaijan to broadcast to the 20 million ethnic Azeris in Iran, so if the U.S. and the UK found a political formula that included some element of symbolic reciprocity, then the problem would be solved. Aliyev further specified that this reciprocity could be only at the symbolic level, and not at the level of technical implementation.

Comment

15. (C) It is clear that Shahin Aliyev is not at the center of the decision-making on this issue, and therefore his analysis of the Iranian threat may not be accurate. It is positive however that he is not worried about the legal nuances of reciprocity, as this should ease negotiations on an intergovernmental agreement. Shahin Aliyev's focus on the upcoming referendum may mean that he and the Azeri legal team may be distracted between now and March 18 as we attempt to conduct these negotiations.

LU